

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

CASE NO. 11-16853-6J3

In the Matter of:

ALKESH SHASTRI, and
HINA SHASTRI

Debtors.

MOTION TO DISMISS CHAPTER 13 BANKRUPTCY

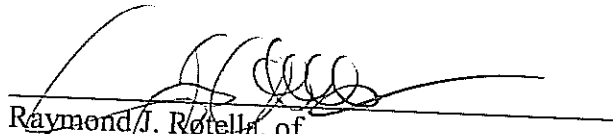
COMES NOW Community Bank of the South, by and through its undersigned attorneys, and prays this Court dismiss the Chapter 13 bankruptcy, and will show as follows:

1. 11 U.S.C. §109(e) limits the filing of a Chapter 13 to individuals with debts not exceeding \$360,475 in unsecured debt.
2. The Debtor reflects unsecured debts of \$32,823 in Schedule F. However, in Schedule D, the Debtor reflects unsecured portions on secured claims that total \$626,859.97. Therefore, the Debtors exceed the unsecured portions allowed to file a Chapter 13 bankruptcy and does not qualify to be a Chapter 13 Debtor. In addition, there are other unsecured debts shown by SOFA #4 lawsuits, which are not reflected in Schedule F, which will also increase the debt amount.
3. Alternatively, the Debtor's Schedules I and J show insufficient income and disposable income to successfully fund a Chapter 13 plan.
4. Alternatively, it appears from SOFA #18, that Debtor's source of income is from an unscheduled B shareholder interest in a Florida corporation known as YPC Enterprises, Inc., and not self employed as is shown on Schedule I. Regardless, if the Debtors are self employed or

employees of a Florida corporation, they are sole shareholders, Debtors should file mandatory forms as a business Debtor case.

WHEREFORE, it is prayed the Court dismiss this Chapter 13 bankruptcy.

I HEREBY CERTIFY that a true copy of the foregoing was furnished by United States Mail/electronic transmission to Neil J. Buchalter, Esquire, 2395 North Courtenay Parkway, #203, Merritt Island, Florida 32953; Laurie Weatherford, Post Office Box 3450, Winter Park, Florida 32790; and Alkesh Shastri and Hina Shastri, 1045 Cady Circle, Titusville, Florida 32780 this 17th day of November, 2011.



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